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August 20, 2012

HAND DELIVERY

Joan Ross
City Clerk
555 South 10th Street
Room 103
Lincoln, NE 68508

FILED
CITY CLERK'S OFFICE
2012 AUG 20 PM 3 19
CITY OF LINCOLN
NEBRASKA

RE: Appeal of Public Works Official regarding Request for a Deviation under Section 14.75.067 of the Lincoln Municipal Code.

Dear Joan:

On July 24, 2012, Olsson Associates and our office, on behalf of our client, Kinport Corporation, requested three areas of deviation. On August 16, 2012, we received an approval of two of our requests and a denial of our third request based upon the City's Access Management Policy standards. A copy of the August 16, 2012 letter is attached hereto. We express our appreciation for Public Works Department's approval of our two requests.

Pursuant to Section 14.75.067 of the Lincoln Municipal Code, Kinport Corporation would like to appeal to the City Council the deviation denial of the Public Works Official regarding the denial of our request to remove the right turn lane and construct a raised bulb-out at the east end of the proposed on-street Holdrege parking immediately west of the 35th Street.

We would like to point out the following matters to the City Council:

- A traffic study prepared by Olsson Associates has been performed to document no change in reported Level of Service (LOS) to all intersection movements.
- The benefits of the bulb-out west of the North 35th and Holdrege driveway will shorten the Holdrege Street crossing distance and the ability to prevent illegal parking by drivers that could otherwise park east of the authorized parking if the area was a combination of a right turn lane and parallel parking area.
- Current access management practices put access points at ¼ mile spacing on arterials. If the ¼ mile spacing was being proposed as part of this Redevelopment Project, then a right-turn lane makes sense because more traffic is routed to a single point. However, the

Referred 8/21. Planning, LAW, P.W.

neighborhood pattern and Redevelopment Project along Holdrege includes access points at every block, which disperses out the right turn movements.

- 33rd & Holdrege has right-turn volumes of 50 vph and 60 vph without exclusive right turn lanes.
- 27th & Holdrege has right-turn volumes of 170 vph and 65 vph without exclusive right turn lanes.
- 33rd & Huntington has right-turn volumes of 155 vph without an exclusive right turn lane.
- 33rd & Vine has right-turn volumes of 80 vph, 85 vph, 50 vph, 80 vph without exclusive right turn lanes.
- 48th & Pioneers has right-turn volumes of 130 vph without an exclusive right turn lane.
- 56th & Holdrege doesn't have any right-turn lanes.

The above intersections are major, signalized intersections where queued motorists encounter minor delays and our North 35th Street location is a minor 'T' intersection.

Joan, we would greatly appreciate it if this appeal could be scheduled for public hearing at the City Council's Monday, September 10, 2012 meeting. We have been working with Urban Development Department, Planning Department and Law Department on the following related matters:

1. Planned Unit Development (Change of Zone 12018);
2. City of Lincoln Redevelopment Agreement (Holdrege/Idylwild); and
3. Vacation of North 35th Street between Starr Street and Holdrege Street and the east 200.10 feet of the west-east alley in Block 1, Idyl-Wild Place, Lincoln, Lancaster County, Nebraska.

We would appreciate it if your office could schedule our requested appeal at the same time as the above three matters, which City Staff is attempting to schedule for public hearing on the September 10, 2012 City Council meeting. This would be a tremendous convenience to the neighborhood and all parties involved so they don't have to attend multiple City Council meetings.

If you have any questions regarding the enclosed, please give me a call.

Very truly yours,

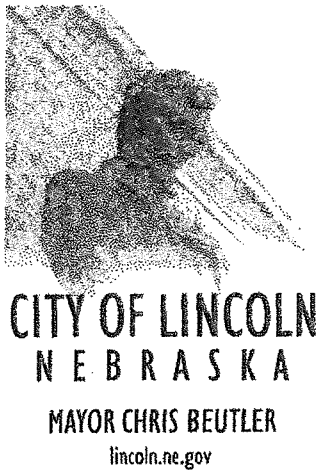


KENT SEACREST
For the Firm

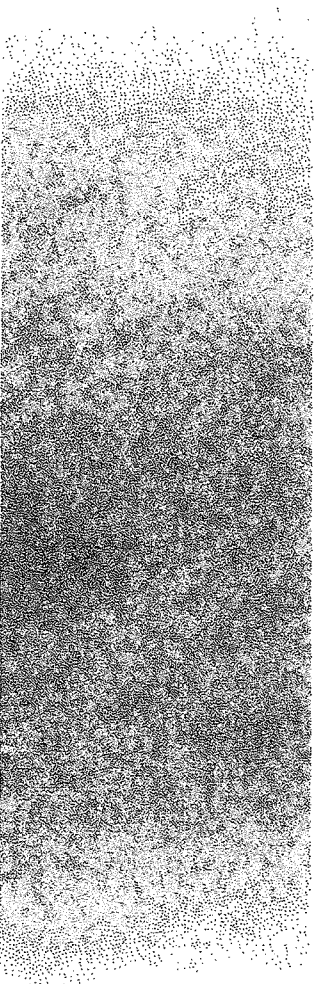
Enclosure

cc: Ann Bleed, ECHO
Miki Esposito
Marvin Krout
Jean Preister

David Landis
Jordan Berger
Shane King
Mark Palmer



Public Works and Utilities Department
Miki Esposito, Director
555 South 10th Street
Suite 208
Lincoln, Nebraska 68508



August 16, 2012

Jordan Berger
Kinport Corporation
440 N 8th Street, Suite 140
Lincoln, NE 68508

Dear Mr. Berger:

The City of Lincoln Public Works and Utilities Department has reviewed your July 24, 2012 Request for Deviation from the Access Management Policy standards. Your original request included three areas of deviation: sight distance, driveway separation/number of connection points and right turn lanes.

Following a meeting with you on July 25, 2012, the Department requested additional information and clarification to support the deviation request. We received such information on July 27, 2012 and August 10, 2012.

Deviation Request #1: Sight Distance

As noted by your engineer, Shane King, in his memo of August 10, the 370' sight distance triangle is in conformance with the AASHTO Policy on Geometric Design. The 10.5' setback to the driver's eye is less than called out by AASHTO, but we concur that it is a reasonable distance with the presence of a bulbout allowing drivers to pull closer to the intersection than they normally would. As a result, this deviation is approved.

Deviation Request #2: Driveway Separation/Number of Connection Points

The City concurs that the two access points off of Holdrege generally conform to the existing access to the site. The spacing has been improved by moving the west driveway farther west. This meets the spirit of the policy for the built environment and is approved.

Deviation Request #3: Right Turn Lanes

The deviation request for right turn lanes at West Drive and Idylwild is granted.

However, there is an existing right turn lane at 35th and Holdrege which is currently designated for the AM peak. In the built environment, a deviation request can be made pursuant to the Access Management Policy if a traffic study proves that the physical conditions or low turning movements negate the need for a right turn lane. The deviation request would also need to show that it would not

Jordan Berger
August 16, 2012
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materially increase delay or congestion to traffic flow, or is otherwise detrimental to the safety of the motoring public. Therefore, when evaluating a deviation request, Public Works analyzes whether the proposed deviation will improve, degrade, or have no effect on current traffic conditions. It is our position that the proposed removal of the existing right turn lane from an arterial street will degrade traffic conditions at 35th and Holdrege and does not further the goals of the Access Management Policy.

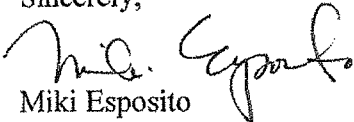
However, by eliminating the bulbout at the east end of the parking immediately west of 35th Street, a right turn lane can be created for the AM peak hours using signing similar to what currently exists. This will leave the situation unchanged from the current scenario satisfying the deviation standard of "no effect," thereby allowing the Department the authority to approve this request.

We've considered your argument that removal of the existing right turn lane is not justified since "right-turn lanes into the site are not expected to improve the movement LOS reported by traffic analysis software." Unfortunately, the traffic analysis software doesn't actually measure the level of service for the right turn movements.

Since we've determined that removing this turn lane will have a negative impact on traffic safety, efficiency and flow on Holdrege, the deviation request for the right turn lane at 35th and Holdrege is denied. Per the Access Management Policy, you may appeal this decision to the City Council pursuant to Chapter 14.75 of the Lincoln Municipal Code however. A copy of the code is enclosed.

If you have any questions or need for additional information, please contact Randy Hoskins, Assistant City Engineer, at (402) 450-1216.

Sincerely,



Miki Esposito
Director, Public Works and Utilities

cc: Randy Hoskins, City Engineering
Marvin Krout, City Planning
Kent Seacrest, Seacrest & Kalkowski

Request for Deviation

A request for deviation must be complete and submitted in writing to the Director of Public Works and Utilities or designee and may be approved if it meets the requirements set forth in the City of Lincoln Access Management Policy. The Director of Public Works and Utilities has five (5) working days from receipt of a completed form to approve or deny such request. The Public Works and Utilities Director reserves the right to request additional information from the Applicant in order to make a determination.

Property Owner: Kinport Corporation

Applicant Name: Jordan Berger

Contact Phone: (402) 477-6767

Email: jordan@wrklc.com

Property Address/Location: 35th & Holdrege Street

Deviation(s) Requested:

To permit on street parallel parking on the south side of Holdrege street in association with the redevelopment of the Valentino's site. (see attached exhibit). The City of Lincoln Design standards require 14.5' of distance from the driver in a vehicle to the edge of the traveled lane. Other communities allow less distance, we are requesting a 4' reduction in this measured distance. We are also requesting a deviation from the required driveway separation, allowable connection points, and right turn lanes for a minor arterial roadway.

Justification for deviation(s):

Based upon the accompanying traffic study, the proposed redevelopment does not have a negative impact on traffic flow.

There is currently short term (high turnover) parallel parking permitted in front of the Valentino's on Holdrege Street.

Comparative Crash Data shows that there have been vehicular crashes that involve parking at the Union College area of South 48th Street (48th & Prescott). It should be noted that the crash Data spans a 5 year period, and this roadway had a major reconstruction project (including additional lanes and parking) completed in 2010. It should also be noted that the parallel and perpendicular parking that was recently built does not meet the Design standards for Site Distance.

The proposed Off-street parking on Holdrege Street will include a 5' offset from the edge of roadway. This will allow room for vehicles to maneuver in and out of the stalls while not impeding traffic flow. The South 48th Street parking does not include an offset.

The driveway and connection point deviation does not add any new driveways / access points to Holdrege Street. The 2 new access points to the project replace the Valentino's driveway and N 35th street intersection. The 2 new access points are more evenly spaced than the existing access points (which do not meet the spacing criteria) The traffic study shows the right turn lanes are not necessary based upon the volume of traffic.

Signature [Signature]

Date 7-24-12

Attach maps, drawings, and other information to aid in understanding the request for deviation.

Public Works and Utilities Use Only

(See attached letter)

Date Received: 7-24-12 / additional information requested. Receipt of such information on 7-27-12 and 8-10-12.

Deviation ☒ Approved ☐ Denied → with respect to Right Turn Lane on 35th Street Distance @ Turn Lane on West 14th St

[Signature]
Director, Public Works and Utilities

Date 8-16-12

cc: Building and Safety (if request involves a single or two-family residential unit)
Nebraska Department of Roads (if involving a State Highway)
Planning Department